

Exhibit A

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20 Attorneys for Defendant/Counterclaim Plaintiff **Phillips Plastics Corporation**

21 **UNITED STATES DISTRICT COURT**
22 **NORTHERN DISTRICT OF CALIFORNIA**

23 JENS ERIK SORENSEN, as Trustee of
24 SORENSEN RESEARCH AND
25 DEVELOPMENT TRUST

26 Plaintiff,

27 vs.

28 PHILLIPS PLASTICS CORPORATION, a
Wisconsin Corporation; and DOES 1
THROUGH 100,

Defendants.

Case No: 08-CV-03094-MHP

**PHILLIPS PLASTICS
CORPORATION'S NOTICE OF
PENDENCY OF OTHER ACTION
OR PROCEEDING PURSUANT TO
CIVIL L.R. 3-13**

PHILLIPS PLASTICS CORPORATION,

Counterclaim Plaintiff,

vs.

JENS ERIK SORENSEN, as Trustee of
SORENSEN RESEARCH AND
DEVELOPMENT TRUST,

Counterclaim Defendant.

1 Phillips Plastics Corporation ("Phillips") submits this Notice of Pendency of Other
2 Action or Proceeding pursuant to Civil L.R. 3-13.

3 There is an action pending in the Southern District of California involving a
4 material part of the same subject mater as this action and some of the same parties. The
5 other action is entitled *Jens Erik Sorensen, as Trustee of Sorensen Research and*
6 *Development Trust v. The Black & Decker Corporation, Black & Deckre Inc.; Black &*
7 *Decker (U.S.) Inc.; Porter-Cable Corporation, Vector Products, Inc., Phillips Plastics*
8 *Corporation, Hi-Tech Plastics Inc. and B&D Holdings LLC*, U.S. District Court for the
9 Southern District of California, Case No. 06-cv-1572 BTM (Judge Barry Moskowitz).

10 The San Diego action is a patent infringement action brought by the same plaintiff
11 as in the present case against (among others) the same defendant as in this case, Phillips.
12 In the San Diego action, Sorensen contends, as it does in this action, that Phillips has
13 manufactured two-part plastic pieces using injection molding technology that infringes
14 Sorensen's '184 patent. The accused parts in the San Diego action are the housings for
15 electric drills. In this case, the accused parts are housings for Sears Craftsman tape
16 measures. Based on the allegations in the complaints, it appears that the alleged
17 infringement is identical in both cases. In both cases, Phillips will assert defenses based
18 on the invalidity of the patent, laches and estoppel, and non-infringement, among others.

19 Phillips (and also Black & Decker) have filed proceedings in the U.S. Patent and
20 Trademark Office ("PTO") for reexamination of the patent pursuant to 35 U.S.C. § 302.
21 The PTO has determined that "substantial new questions of patentability" have been
22 raised under § 303(a) and is proceeding with the reexamination. The District Court in
23 San Diego has stayed the case there pending a determination on the reexamination
24 proceedings. In this case, Phillips shortly will file a motion to transfer the case for all
25 purposes to the Southern District of California under 28 U.S.C. § 1404(a). Alternatively,
26 this case should be transferred to the Southern District of California pursuant to
27 28 U.S.C. § 1407 for coordinated pretrial proceedings, including the motion to stay and
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1 issues related thereto and, if the reexamination sustains the validity of the patent, for
2 claim construction purposes.

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5 DATED: JULY 18, 2008

FOLEY & LARDNER LLP

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7 BY: _____ /s/

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9 Attorneys for Defendant/Counterclaim
10 Plaintiff Phillips Plastics Corporation
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